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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SHOSH YONAY, an individual, and
YUVAL YONAY, an individual,

Plaintiffs,

V.

PARAMOUNT PICTURES
CORPORATION, a Delaware
corporation.

Defendant.

Case No. 2:22-CV-3846-PA-GJS

**JOINT STIPULATION
REGARDING MODIFICATION
OF TRIAL AND PRETRIAL
DATES**

District Judge: Hon. Percy Anderson
Magistrate Judge: Hon. Gail J. Standish

STIPULATION

Plaintiffs Shosh Yonay and Yuval Yonay (“Plaintiffs”) and Defendant Paramount Pictures Corporation (“Paramount Pictures”) (collectively, the “Parties”) stipulate as follows:

5 **WHEREAS**, on January 6, 2023, the Court entered an order bifurcating
6 discovery into separate liability and damages phases and setting a Schedule of
7 Trial and Pretrial Dates;

8 **WHEREAS**, under the current Schedule of Trial and Pretrial Dates, the
9 deadline to file the Parties' motions for summary judgment directed to liability
10 issues is October 23, 2023, with oppositions and replies due November 6 and
11 November 20, 2023, respectively. The hearing date for such motions is
12 December 4, 2023;¹

13 **WHEREAS**, Plaintiffs and Paramount Pictures intend to file cross-
14 motions for summary judgment;

15 **WHEREAS**, Plaintiffs and Paramount Pictures intend to move to exclude
16 the other parties' experts in connection with their anticipated cross-motions for
17 summary judgment;

18 **WHEREAS**, Plaintiffs are Israeli and Ms. Yonay resides in Israel, and
19 their counsel, Marc Toberoff has had difficulty contacting them since the recent
20 and dire Israel-Hamas conflict began, hindering progress on Plaintiffs' motion;

21 **WHEREAS**, Mr. Toberoff's wife has close family in Israel and Mr. and
22 Mrs. Toberoff may need to make immediate travel there to attend to them given
23 the recent conflict;

24 **WHEREAS**, such unexpected and urgent travel will severely limit Mr.
25 Toberoff's ability to work on this case, including Plaintiffs' forthcoming motion
26 for summary judgment, opposition to Paramount Pictures' cross-motion, and
27 reply, as well as the Parties' cross-motions to exclude the other party's expert(s);

¹ See June 9, 2023 Order (ECF No. 36).

1 **WHEREAS**, in light of Mr. Toberoff's likely absence, and the difficulties
2 in maintaining communication with Plaintiffs themselves, Plaintiffs have asked
3 Paramount Pictures to agree to an approximately two-week extension of the
4 Liability Summary Judgement Dates;

5 **WHEREAS**, in the initial scheduling order in this case, the Court
6 "order[ed] that discovery is to be bifurcated into liability and damages phases
7 and stay[ed] damages discovery until the Court rules on Defendant's anticipated
8 motion for summary judgment on liability, or until further order of the Court."
9 Dkt. 30 at 2;

10 **WHEREAS**, under the current scheduling order entered on June 12,
11 2023, damages discovery is set to close on February 23, 2024 (Dkt. 37)—just six
12 weeks after the new summary judgment hearing date proposed herein;

13 **WHEREAS**, the outcome of the Parties' anticipated cross-motions for
14 summary judgment could affect the next phase of the litigation;

15 **WHEREAS**, Paramount Pictures has advised Plaintiffs that it does not
16 oppose the requested extension subject to approval of the Court, provided
17 Plaintiffs agree that they cannot use any extension to obtain additional
18 discovery, including from any subpoenaed parties, as the deadline for liability-
19 related discovery was October 6, 2023;

20 **WHEREAS**, these modifications will not meaningfully delay the overall
21 progress of the case and may actually increase the efficient progression of the
22 case.

23 Based on the foregoing, **IT IS HEREBY STIPULATED** by and between
24 the Parties, through their respective counsel of record, subject to the Court's
25 approval, that:

26 1. The deadline for the Parties to file a motion for summary judgment
27 directed to liability issues shall be continued to November 6, 2023, with
28 oppositions and replies due November 22 and December 11, respectively. The

1 hearing date for such motion shall be continued to January 8, 2024.²

2 2. The deadlines for the Parties' anticipated motions to exclude each
3 other's expert(s) are the same as those above for motions for summary
4 judgment.

5 3. Liability related discovery is not permitted, with the prior October
6 6, 2023 deadline remaining unchanged.

7 4. Damages discovery remains stayed and all remaining deadlines are
8 held in abeyance pending the Court's ruling on the Parties' cross-motions for
9 summary judgment.

10 5. Alternatively, if the Court prefers to enter new damages discovery
11 deadlines at this time, the Parties stipulate as follows:

- 12 a. The deadline to exchange damages expert reports and rebuttal
13 damages expert reports shall be continued to January 31, 2024 and
14 February 23, 2024, respectively.
- 15 b. The damages discovery cut-off is continued to March 22, 2024.
- 16 c. The deadline for the Parties to conduct a settlement mediation shall
17 be continued to March 25, 2024.
- 18 d. The motion hearing cut-off shall be continued to April 1, 2024.
- 19 e. The deadline to lodge pretrial conference order and pretrial exhibit
20 stipulations and to file final pretrial conference materials shall be
21 continued to April 18, 2024.
- 22 f. The final pretrial conference shall be continued to May 3, 2024 at
23 1:30 p.m.
- 24 g. The hearing on motions in limine and disputed jury instructions
25 shall be continued to May 27, 2024 at 1:30 p.m.
- 26 h. The deadline to lodge final trial exhibit stipulations shall be
27 continued to May 30, 2024.

28 ² These dates reflect the Thanksgiving, Christmas, and New Years' holidays.

1 i. The trial date shall be continued to June 4, 2024 at 9:00 a.m.
2
3

4 Date: October 16, 2023

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5
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14 *Attorneys for Plaintiffs*

15 Date: October 16, 2023

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SIGNATURE ATTESTATION

Pursuant to CACD Local Rule 5-4.3.4(a)(2)(i), I certify that I have obtained authorization to file this document from the other signatories to this document and that all other signatories have authorized placement of their electronic signature on this document.

Date: October 16, 2023

TOBEROFF & ASSOCIATES, P.C.

By: _____ /s/ *Marc Toberoff*
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